

REMARKS

1, 2, and 5-12 are present in this application. Claims 1 and 2 are independent claims. Claims 11 and 12 have been added as new independent claims.

Statement of Interview

The Examiner and his Supervisor are thanked for conducting a telephone interview on July 28, 2009.

During the interview the applicant's representative explained that Miyaji discloses color temperature of a type of flash device, rather than the light actually obtained from the flash device that is installed in the camera. Applicant's representative explained that Kawakami does not disclose inputting correction information of white balance. Applicant's representative pointed out that Yamamoto's LED 42b is a main light source, but is not a flash device. Applicant's representative presented a new method claim.

As mentioned in the Examiner's Interview Summary, it was agreed that Yamamoto fails to teach claimed elements, and that the rejection based on Yamamoto would be withdrawn.

However, the Examiner's supervisor indicated that paragraphs [0070] to [0073], and in particular paragraph [0073], of Kawakami which discloses "when the light-emitting amount reaches the reference value," indicates that Kawakami teaches a "light-emitting amount." In particular, the Examiner's supervisor alleged that Kawakami's teaching of "light emitting amount" reads on the claimed feature of "light actually emitted" and "light only of" the light emitting diode.

§ 103(a) Rejection – Kawakami, Miyaji

Claims 1 and 5-8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication 2002/0025157 (Kawakami) in view of U.S. Patent 5,231,500 (Miyaji). Applicant respectfully traverses this rejection.

As noted above, during the interview the Examiner's Supervisor alleged that sections of Kawakami teach detection of color temperature of light actually emitted from a light emitting diode, and thus teaches the claimed feature. As disclosed in the present specification, the claimed feature is unique to the digital camera as manufactured.

Applicant has carefully reviewed the sections of Kawakami that the Examiner's Supervisor referred to, and continue to be of the position that Kawakami specifically discloses that color temperature is obtained for "subject light" from color temperature sensors 24. (see Kawakami at para. [0069]).

In particular, Applicant submits that the light-receiving sensor 34 does not provide information regarding the color temperature of the light actually emitted from the LED's 38. Instead, in an automatic mode the color temperature of the subject light is obtained from a color temperature sensor 24 (para [0069]). A light adjusting circuit 54 determines the ratio between the light emitting amounts of LED's 38 according to the color temperature of the subject light, and sets R, G, B light emitting levels from the ratio (para. [0070]). Subsequently, the LED's 38 emit lights with the same color temperature as that of the subject light (paras. [0071, 0072]).

Kawakami discloses that the light adjusting circuit 54 determines the light emitting amount with the light-receiving sensor 34 in order to adjust the light emitted by the LED's to be the same color temperature as the color temperature of the subject light read from the color temperature sensors 24. Thus, Applicants submit that Kawakami does not disclose measuring color temperature of light actually emitted from the LED's 38.

With respect to Miyaji, Applicant submits that in Miyaji, color temperature is based on a standard adjustment value for the generic type of flash device (i.e., flash device of type LED), but not the actual flash device installed in the camera (a color temperature is obtained based on a detection of the flash light of the particular flash device mounted on the camera).

For at least these reasons, Applicant submits that the rejection fails to establish *prima facie* obviousness for claim 1, as well as respective dependent claims.

Furthermore, with respect to claim 5, even if it may be true that Kawakami's light-receiving sensor 34 obtains color temperature of light actually emitted from the LED's 38, which Applicant does not concede, Kawakami as well as Miyaji fail to disclose white balance correction information that is input through an input device.

For at least this additional reason, Applicant submits that the rejection fails to establish *prima facie* obviousness for at least claim 5.

Applicant requests that the rejection be reconsidered and withdrawn.

§ 103(a) Rejection – Kawakami, Yamamoto

Claims 2, 9, and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami in view of U.S. Patent 6,041,192 (Yamamoto). Applicant respectfully traverses this rejection.

The same arguments for the Kawakami reference as in the above for claim 1 apply as well to claims 2, 9, and 10.

Furthermore, as discussed during the telephone interview, referenced above, Applicant submits that the rejection is in error at least because the light source 42 of Yamamoto is not a flash device.

For at least these reasons, Applicant requests that the rejection be reconsidered and withdrawn.

New Claims

Claims 11 and 12 have been added as counterpart method claims to apparatus claims 1 and 2, respectively. The new method claims explicitly include a step of detecting color temperature of light actually emitted from the electronic flash device using a light detecting device, and that the step is performed before an image capturing step. Applicant submits that the

features recited in the method claims are patentable at least for the reasons above for the corresponding apparatus claims, as well as due to the explicit "detecting" step.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **Robert Downs** Reg. No. 48,222 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: August 17, 2009

Respectfully submitted,

By Robert Downs # 48 222
D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant